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## Attorneys for Defendant David Harbour

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF ARIZONA**

United States of America,

**Plaintiff,**

VS.

David Allen Harbour,

## Defendant.

Case No. 2:19-cr-00898-DLR (DMF)

**JOINT MOTION TO EXTEND  
TIME FOR GOVERNMENT TO  
RESPOND TO DEFENDANT'S  
RULE 29 MOTION FOR  
JUDGMENT OF ACQUITTAL AND  
RULE 33 MOTION FOR NEW  
TRIAL AND DEFENDANT'S  
REPLY TO RULE 29 MOTION FOR  
JUDGMENT OF ACQUITTAL AND  
RULE 33 MOTION FOR NEW  
TRIAL**

AND

**JOINT MOTION TO CONTINUE  
DEFENDANT'S SENTENCING  
AND FORFEITURE HEARING**

The Parties, with the express consent of Defendant, respectfully request that the Court extend the following deadlines in accordance with the parties' agreement and set aside additional time for the sentencing and forfeiture hearings:

1. The Government's deadline to respond to Defendant's Motions under Rules  
2 29(a) and 33 should be extended from March 31, 2023 until April 21, 2023,  
3 and the deadline for Defendant's Replies should be extended from April 5,  
4 2023 until May 5, 2023. The reason is that Defense counsel is leaving for a  
5 trial in the Southern District of New York on April 5, 2023 (the final pretrial,  
6 ordered to be in person on April 6<sup>th</sup>) and will not return to the District until on  
7 or about April 21, 2023. Since the Defense needs a lengthy extension, it made  
8 sense for the Government to also have more time.  
9  
10

11       2. The Sentencing Date, currently June 6, 2023 and currently set for two hours  
12                  is insufficient in the Parties' estimation. First, it has been agreed and the Court  
13                  has already directed that the forfeiture hearing and the sentencing should occur  
14                  together. The Parties believe that two full days will be needed for these  
15                  hearings and are in agreement that, if the Court can accommodate the Parties,  
16                  the end of June/beginning of July would be optimum. In early June, Defense  
17                  counsel has the Bar Convention at which he earns the CLE needed for the year.  
18  
19                  The Parties enter into this Agreement not for purposes of delay but in the belief  
20  
21                  that the delays sought are in the interests of justice.

22 | RESPECTFULLY SUBMITTED this 30<sup>th</sup> day of March 2023.

## CHRISTIAN DICHTER & SLUGA, P.C.

By: /s/ Stephen M. Dichter

Stephen M. Dichter

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Attorneys for Defendant David A. Harbour

1 GARY M. RESTAINO  
2 United States Attorney  
3 District of Arizona

4 By: /s/ Coleen Schoch /permission

5 Kevin M. Rapp  
6 Coleen Schoch  
7 Attorneys for Plaintiff

8 **CERTIFICATE OF SERVICE**

9 I hereby certify that on March 30, 2023 I electronically transmitted the attached  
10 document to the Clerk's Office using the CM/ECF system for filing and for transmittal  
11 of Notice of Electronic Filing to the following CM/ECF registrants:

12 Kevin M. Rapp  
13 [Kevin.rapp@usdoj.gov](mailto:Kevin.rapp@usdoj.gov)  
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28 /s/ Yvonne Canez